

March 11, 1999

Mr. Stephen E. Gilliam
Regulatory Administrator
Colonial Pipeline Company
945 E. Paces Ferry Road
Atlanta GA 30326

CPF No.27501

Dear Mr. Gilliam:

This letter is in response to your October 22, 1998 letter relating to Item No. A3 of the Proposed Compliance Order issued with the above referenced December 5, 1997 Notice of Probable Violation. You have asked that OPS acknowledge Item A3 as complete.

Item No. A3 would require Colonial to take the following steps with respect to the training of personnel. Evaluate operator procedures for the conduct of post-accident alcohol testing to determine whether any changes in procedures, including any delegations of responsibility, or the conduct of training for supervisory personnel could enhance compliance with the requirements.

You have conveyed, with supporting documentation, that Colonial's procedures have been reviewed, that the Control Center Emergency Response procedures have been revised to include specific instructions for initiating drug and alcohol testing, and that the Control Center Controllers, including Senior Controllers, have been trained in these procedures.

I am satisfied with these measures as they apply to Control Center training and procedures. I understand that Colonial has not performed a similar review of post-accident alcohol testing procedures relating to Colonial's field-based personnel. I understand that you have made an internal inquiry to your field management to determine whether procedural and/or training changes, similar to the Control Center's, would enhance Colonial's field (district) personnel compliance with the regulations. I am unable to acknowledge that Colonial has satisfied Item No. A3 until issues with respect to district personnel are resolved.

In reviewing Control Center procedures and the revised (November 1, 1998) drug and alcohol policy bulletins, the following is noted. It is my desire that you will construe these observations and comments as constructive to your pipeline safety program.

The attached *Instructions for Drug and Alcohol Screening* refer to Colonial's policy Bulletin No. 43 - Anti-Drug Plan for DOT Requirements, but do not refer to Colonial's Policy Bulletin No.46 - Alcohol Misuse Prevention Plan (AMPP), as would be expected. It has been recommended that Policy Bulletin No.46 also be referenced in the *Instructions* . . . I understand that this revision is being made.

Policy Bulletin No. 43 - Anti-Drug Plan for DOT Requirements (Post Accident Testing, page 12, Section II B.2.b.(1),) requires the supervisor, before proceeding further, to “. . . obtain approval from the division manager/department head or designee to proceed with post-accident testing.” In reviewing the *Control Center Emergency Response Checklist* and the *Instructions for Drug and Alcohol Screening*, it appears that the Senior Controller is not required to obtain further approval from anyone prior to arranging for post-accident drug testing. You may want to consider adding this requirement to the referenced Control Center procedures.

Policy Bulletin No. 43 - Anti-Drug Plan for DOT Requirements.(Post Accident Testing, page 12, Section II B.2.b.(6),) requires that a post-accident tested employee following collection, “. . . should not be allowed to perform covered functions pending results of the drug test.” This is not a requirement of CFR Part 199. When an operator's written Drug and Alcohol Plan includes more stringent requirements than those contained in 49 CFR Parts 199 and 40, it has been RSPA's policy to require operators to clearly identify the subject matters that relate to Parts 199 and 40, such as by keeping these requirements in separate sections, setting them apart by use of bold face types or underlining, or other equivalent means. I recommend that Colonial review their Drug and Alcohol Plans, identify all “more stringent Part 199 and Part 40” requirements, and to set them apart in the written plans as described above.

Sincerely,

Frederick A. Joyner
Director, Southern Region
Office of Pipeline Safety

cc: Compliance Registry, OPS headquarters